

Superseded 5/12/2015

63A-2-401 Utah surplus property program -- Definitions -- Administration.

- (1) As used in this part, "agency" means:
- (a) the Utah Departments of Administrative Services, Agriculture and Food, Alcoholic Beverage Control, Commerce, Heritage and Arts, Corrections, Workforce Services, Health, Human Resource Management, Human Services, Insurance, Natural Resources, Public Safety, Technology Services, and Transportation and the Labor Commission;
 - (b) the Utah Offices of the Auditor, Attorney General, Court Administrator, Utah Office for Victims of Crime, Rehabilitation, and Treasurer;
 - (c) the Public Service Commission and State Tax Commission;
 - (d) the State Boards of Education, Pardons and Parole, and Regents;
 - (e) the Career Service Review Office;
 - (f) other state agencies designated by the governor;
 - (g) the legislative branch, the judicial branch, and the State Board of Regents; and
 - (h) an institution of higher education, its president, and its board of trustees for purposes of Section 63A-2-402.
- (2)
- (a) The division shall make rules establishing a surplus property program that meets the requirements of this chapter by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The rules shall include:
 - (i) procedures and requirements for transferring surplus property directly from one agency to another agency;
 - (ii) procedures and requirements governing division administration requirements that an agency must follow;
 - (iii) requirements governing purchase priorities;
 - (iv) requirements governing accounting, reimbursement, and payment procedures;
 - (v) except as provided in Subsection (2)(d), procedures for collecting bad debts;
 - (vi) requirements and procedures for the disposition of firearms;
 - (vii) except as provided in Subsection (2)(d), the elements of the rates or other charges assessed by the division for services and handling;
 - (viii) except as provided in Subsection (2)(d), procedures governing the timing and location of public sales of surplus property; and
 - (ix) procedures governing the transfer of information technology equipment by state agencies directly to public schools.
 - (c) Except as it relates to a vehicle or federal surplus property, the rules described in Subsection (2)(b)(i) may not require approval by the division, the director of the division, or any other person, for an agency to transfer surplus property directly to another agency.
 - (d) When a state surplus property contractor administers the state's program for disposition of state surplus property:
 - (i) rules made under the rulemaking authority described in Subsections (2)(b)(v) and (vii) apply only to surplus vehicles; and
 - (ii) rules made under the rulemaking authority described in Subsection (2)(b)(viii) apply only to surplus vehicles and federal surplus property.
- (3) In creating and administering the program, as it relates to surplus vehicles and federal surplus property only, the division shall, when conditions, inventory, and demand permit:
- (a) establish facilities to store inventory property at geographically dispersed locations throughout the state; and

- (b) hold public sales of property at geographically dispersed locations throughout the state;
 - (c) except as provided in Subsection (3)(d):
 - (i) establish, after consultation with the agency requesting the sale of surplus property, the price at which the surplus property shall be sold; and
 - (ii) transfer proceeds arising from the sale of state surplus property to the agency requesting the sale in accordance with Title 63J, Chapter 1, Budgetary Procedures Act, less a fee approved in accordance with Sections 63A-1-114 and 63J-1-410, to pay the costs of administering the surplus property program.
 - (d) When a state surplus property contractor administers the state's program for disposition of state surplus property, the provisions on Subsection (3)(c) only apply to surplus vehicles.
- (4) Except as otherwise expressly provided in this part, or by explicit reference to this part, each state agency shall divest and acquire surplus property only by participating in the division's program.